

Art Unit: 1645

6. Claims 1, 6-8 rejected under 35 U.S.C. 102(b) as being anticipated by Blaser (November 1994), in light of the amendment of claim 1 to require the surface expression of the heterologous protein.

7. Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, in light of the amendment of claim 11 to recite the phrase "DNA cassette inserted into the coding sequence of a sapA homolog of said strain and expression of said DNA cassette results in surface expression of a chimeric protein comprises said heterologous protein."

Rejections Maintained

8. Claims 1, 5-13, and 15-18 rejected under 35 U.S.C. § 112, first paragraph (Deposit), for the reasons set forth in the objection to the specification, for reasons of record in paper number 6 and paper number 16.

9. Claims 1, 5-13, 15-18 rejected under 35 U.S.C. 112, first paragraph (*written description rejection*), in light of the amendment of the claims to recite the phrase "one or more" sapA homologs without any upper limit nor defined by a reference strain that comprises the plurality of sapA homolog coding sequences which read on SapCDEF, in addition to other sapA homolog coding sequences not described, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, for reasons of record in paper number 13, paragraph 30 and paper number 16, paragraphs 25-26.

10. Claims 1, 6, 8 (amended claim 1) are rejected under 35 U.S.C. 102(b) as being anticipated by Blaser (November 1994) for reasons of record in paper number 6, because the mutant strain exported the mutant S-layer protein in "minimal amounts (see page 456, col. 1, paragraph 2, first half of paragraph).